United Nations A/C.3/55/SR.34

General Assembly
Fifty-fifth session

Official Records

Distr.: General
17 November 2000

Original: English

Third Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Wednesday, 25 October 2000, at 10 a.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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The meeting was called to order at 10.15 a.m.

Agenda item 105: Crime prevention and criminal justice (*continued*) (A/C.3/55/L.8/Rev.1)

1. **Mr. Rabby** (United States of America), introducing draft resolution A/C.3/55/L.8/Rev.1 entitled "Combating the criminal misuse of information technologies" on behalf of the sponsors, announced that Liechtenstein and Croatia had also become sponsors.

2. The United States strongly supported all efforts to bridge the digital divide between the world's "technological haves and have-nots". The draft resolution had been born out of the recognition that rapidly growing reliance on information technologies had not only increased global coordination and cooperation, but had made it possible for perpetrators of high-tech crime to disrupt computer and telecommunications networks in both developing and developed countries, thereby threatening the economies and societies of all nations.

3. The draft resolution welcomed the efforts devoted to that subject by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as well as by the Group of Eight, the Organization of American States and the Council of Europe. Recognizing the wide differences between States in the extent of their technological development, the draft resolution aimed mainly at raising general awareness of high-tech crime.

4. The text did not specify a single definition of high-tech crime, nor did it presume that the same strategies for criminal misuse of information technologies would suit all States. Rather, it acknowledged the unique needs and circumstances of all Member States and presented 10 measures whose effectiveness had already been demonstrated.

5. The measures could be divided between those which States could take individually in order to enhance the ability of their law-enforcement and information-technology systems to identify, investigate and prosecute high-tech crime, while safeguarding individual freedoms and privacy, and those which could be taken mutually or collectively. The latter would involve coordination and harmonization of Member States' information-technology systems and law-enforcement processes in an effort to leave high-tech criminals no safe haven. The draft resolution invited all States to take those measures into account in their efforts to combat the criminal misuse of information technologies.

6. His delegation hoped to receive the support of all States for the draft resolution and invited all delegations to co-sponsor it with a view to its adoption by consensus.

7. There were two minor revisions to be made to the thirteenth preambular paragraph. The words "Ministers for Foreign Affairs" should be replaced by the words "Ministers of Justice and Interior". In addition, the words "of the" should be inserted before the word "conference".

Report of the Special Rapporteur of the Commission on Human Rights on religious intolerance (A/55/280 and Add.1 and 2)

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, 213 and Add.1, 214 and Add.1, 275 and Add.1, 279, 280 and Add.1 and 2, 283, 288, 289, 291, 292, 296 and Add.1, 302, 306, 328, 342, 360, A/55/395-S/2000/880, A/55/404-S/2000/889 and A/55/408; A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, A/55/282-S/2000/788, A/55/294, 318, 335, 346, 358, 359, 363, 374, 400, 403 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/913)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

8. **Mr. Amor** (Special Rapporteur of the Commission on Human Rights on religious intolerance) introduced his interim report on the elimination of all forms of intolerance and of discrimination based on religion or belief (A/55/280),

and two additional reports resulting from in situ visits he had made to Turkey and Bangladesh (A/55/280/Add. 1 and 2).

9. Since the finalization of the report, he had sent 32 communications to 29 States, which, added to those mentioned in paragraph 3 of the report, brought the total number of communications he had sent to 71. Despite the lack of time, he had made every effort to cover the problem of intolerance and discrimination throughout the world.

10. The principal problems covered in those communications were the rise in ethnic, political and religious extremism; the perpetuation of policies, laws and practices impairing freedom of religion and belief; the persistence of discriminatory and intolerant actions committed on the basis of religious belief, and which affected women in particular; and the pursuit of policies and laws that prejudiced minorities and promoted social intolerance. Furthermore, both the struggle to end negative religious stereotyping and the struggle against defamation and blasphemy were as imperative as ever: they must not, however, be used to advance the cause of censorship, to impair the right to criticism and debate, or to promote obscurantism.

11. He drew attention to an urgent appeal he had addressed to the Islamic Republic of Iran, requesting additional information about Baha'is, who had been condemned to death (A/55/280, para. 34). The reply (para. 35) had stated that the spokesman of the judiciary had denied any confirmation of a death sentence against them, and that those cases were still under consideration by the Supreme Court. However, he had recently been informed by non-governmental sources, including Baha'i sources, that the Supreme Court had found that two of those sentences were unfounded, and had referred them to another court. One of the three had been liberated in May 2000. Those developments suggested that progress was occurring in that country.

12. With regard to the 13 Jewish Iranians arrested for spying in 1999, the Islamic Republic of Iran had replied that the suspects had included Christians and Muslims as well, and that the arrests had been conducted for the purpose of national security, without regard for religious belief. A communiqué had also been received from the Iranian Jewish community, declaring that Iranian Jews were well treated and enjoyed the constitutional rights of citizens, and that the arrests in question were unrelated to religion. In September 2000, he had been informed by non-governmental sources that the Shiraz Court of Appeal had lightened the sentences imposed on 10 of the Jewish Iranians: the charge of collaborating with Israel had been retained, but the accusation that they had created a spy ring or participated in such a ring had been dropped. The Israeli Ministry of Foreign Affairs had sent him a copy of a communiqué that deeply lamented the decision of the Shiraz court, and declared that, in the view of Israel, those persons were innocent.

13. Since the finalization of the report, Georgia, Jordan and Sri Lanka had replied to communications; however, 10 of the States that had been sent communications in the context of the fifty-sixth session of the Commission had not yet replied.

14. In situ visits (ibid, para. 98) were a means of facilitating dialogue and of ascertaining the situation. Certain States, however, notably Israel and the Democratic People's Republic of Korea, continued to refuse to allow such visits. He had visited Turkey in December 1999; the report of that visit, (A/55/280/Add.1) discussed law and policy in the areas of freedom of religion and belief, and the situation of the non-Muslim communities in those countries. He had visited Bangladesh in May 2000; the report of that visit, (A/55/280/Add.2) described, on the one hand, the constitutional and criminal provisions that protected freedom of religion, and on the other, certain provisions that discriminated against women and Hindus. He wished to inform the Committee that, on the invitation of the Argentine Government, he was planning a visit to that country as well.

15. The report (A/55/280, paras. 107-120) described his contributions to the preparations for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Paragraph 107 mentioned a study he had submitted to the Preparatory Committee for the conference; a second study, entitled "Racial discrimination, religious intolerance and education", would also be submitted to the Preparatory Committee. Paragraphs 121 to 132 of the report discussed the initiative he had taken to convene an international consultative conference on school education.

16. Inter-religious dialogue was essential in preventing conflicts and violations in the areas of religion and belief. In that spirit, he had recently

participated in an international conference on interdenominational dialogue held in Uzbekistan, sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The struggle against the scourge of intolerance and discrimination, of which extremism was one of the most visible manifestations, called for a genuine prevention policy on the part of the international community.

17. **Mr. Akopian** (Armenia) commended the Special Rapporteur for his report (A/55/280/Add.1) on the situation in Turkey, including a long chapter on the Armenian community (paras. 80-95).

18. There was a long history of monitoring the status of minorities in Turkey, stretching back to the time of the Ottoman Empire. Although the Republic of Turkey had achieved a level of democratization and secularism unprecedented in the Islamic world, the status of minorities had always been on the agenda in Turkish-European relations.

19. The tragic fate of the Armenians in Ottoman times made the community very sensitive to its situation in modern-day Turkey. Armenia was thus very grateful to the Commission on Human Rights and its Special Rapporteur for their attention to the issue.

20. The Special Rapporteur had drawn attention to the main causes of the tension between the Turkish and Armenian peoples, arising from political events in the earlier part of the twentieth century. The elimination of the greater part of the Armenian community and confiscation of their property in 1915 had made the position of the Armenian minority both fragile and vulnerable.

21. The status of the Armenian Apostolic Patriarchate in Istanbul remained a matter for concern. While the Turkish Government considered that body a Turkish institution, reserving the right to interfere in such matters as the election of the Patriarch or recruitment and training of clergy, it nonetheless refused to accord it the status of a legal entity, thereby jeopardizing its survival. Armenia welcomed the Special Rapporteur's recommendations (ibid, para. 160), calling inter alia upon the Turkish Government to grant legal status to the Patriarchate.

22. In reiterating its appreciation of the Special Rapporteur's excellent report, Armenia hoped that the Special Rapporteur would closely follow the implementation of the recommendations he had made therein.

23. **Mr. Uddin** (Bangladesh), while thanking the Special Rapporteur for his report on Bangladesh (A/55/280/Add.2), said that his delegation had received the English text only a few days previously. Under the circumstances, it should be allowed time to study the report and then, in due course, make any clarifications that might be necessary.

24. Bangladesh took pride in having a society based on religious and communal harmony, particularly since it had fought a war of independence based on equal rights and opportunities for all citizens without any discrimination. The Constitution safeguarded the rights of all citizens, while the Government was determined to ensure that no individuals or groups upset the prevailing situation of religious tolerance and communal harmony.

25. The Special Rapporteur had been welcomed to the country and had been able to avail himself of every opportunity to make an independent assessment, enjoying the full cooperation of the authorities. He had conducted his assignment entirely without let or hindrance.

26. His delegation was grateful to the Special Rapporteur for adequately reflecting the constitutional and legal safeguards that existed to ensure the protection of the right of citizens to practise their religious beliefs in complete freedom. The fact that the Special Rapporteur had been free to talk to government representatives, members of civil society, politicians and minority religious groupings demonstrated the openness of Bangladeshi society and the right of people to express their views freely and without intimidation.

27. It was true to say that religious minorities were able to enjoy freedom of religion and worship without interference. The concerns raised by some of those groups with the Special Rapporteur would be investigated and corrective measures taken.

28. His delegation was not sure whether the two questions of the implementation of the Chittagong Hill Tracts Accord (ibid, paras. 69-737) and the status of women in Bangladesh (paras. 74-86) fell entirely within the mandate of the Special Rapporteur. However, the Government was very serious about those issues, as the signing of the Chittagong Peace Accord

had shown. The Chittagong Hill Tracts had become a peaceful area where development activities were being actively pursued. No one should doubt the Government's determination to fully implement the Accord.

29. With regard to the status of women, Bangladesh had set up a National Action Plan for Women's Advancement (para. 97) and remained fully committed to upholding women's rights. The Government had withdrawn a number of reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Prime Minister had ratified the Optional Protocol thereto at the Millennium Summit.

30. Although Bangladesh had a majority Muslim population, it remained proud of its long and happy history of communal harmony and religious tolerance. The Government constantly strove to improve the situation of religious freedoms so that no individuals would suffer discrimination on account of their religious beliefs. Representatives of different religious minorities currently headed several ministries and measures had been taken to appoint ambassadors from religious minority groups. There were no religious restrictions barring citizens from government employment. Consideration was being given to the question of the Vested Property Act (para. 98).

31. Bangladesh welcomed constructive ideas for further improving its excellent situation of religious harmony and would certainly give very serious consideration to the Special Rapporteur's suggestions and recommendations.

32. **Mr. Henault** (France), speaking on behalf of the European Union, expressed the European Union's support for the mandate of the Special Rapporteur and his work on education to combat religious intolerance. He asked the Special Rapporteur to elaborate further on the issues of discrimination against women and multiple discrimination and to share his views on how he saw the evolution of the problem of religious persecution.

33. **Mr. Musa** (Nigeria) said that the Nigerian Government had taken swift action to resolve the religious crisis in Kaduna which had occurred earlier in the year, as reported by the Special Rapporteur (A/55/280, para. 41). Peace and order had been restored in the area and in the surrounding districts.

34. The crisis had been caused by a number of factors, including the detrimental effect on the social fabric of a prolonged period of military dictatorship. The current administration had demonstrated its commitment to bringing an end to such crises by introducing a number of measures relating to poverty alleviation, youth education and employment and the involvement of young persons in nation-building activities as a means of keeping them at a distance from conflict situations.

35. Nigeria was a multi-ethnic and multi-religious country whose Government was committed to using all democratic means to resolve problems of religious intolerance. In that regard, all religious minorities were involved in the quest for a lasting solution to religious crises.

36. **Mrs. Hajaji** (Libyan Arab Jamahiriya) commended the Special Rapporteur for his work on the highly sensitive subject of "aggravated discrimination" (A/55/280, paras. 111-120). The Libyan Arab Jamahiriya had taken note of that term as applied to the infringement of the right to freedom of religion and the right to belong to an ethnic group or to a minority and looked forward to the international consultative conference to be held in 2001 (ibid., para. 121).

37. There was a growing trend to confuse Islam with the acts of individual Muslims, who, as human beings, were capable of both righteous and misguided behaviour. Such confusion was unacceptable, whatever the religion or faith involved. The Christian religion, for example, had established the principle of equality of all human beings before God, and therefore also before the law. Over the ages, however, the Church had become the self-appointed guardian of the forces of opposition to democracy, freedom and equality, embracing monarchism and feudalism and repressing democratic, political and social discontent. The Church had stood in opposition to the very equality preached by the Messiah, supporting discrimination against social classes and individuals and allying itself closely with the forces of reaction. That close alliance had facilitated the work of philosophers, liberals and the exponents of freedom and democracy who equated Christianity with the Church, and thereby undermined the very foundations of the Christian religion.

38. As for Islam, the image presented by the Western media was that of a woman dressed from head to toe in black with only her eyes visible from behind the veil

covering her face. The Muslim man was portrayed prostrate or sitting back on his heels in prayer, a rifle at his side, or he was a fat man with a long beard dressed in traditional Arab garb. His face was full of sexual lust and his four wives sat behind him.

39. The success of the Western media in ensuring that those images of Islam became rooted in the minds of the public meant that there was no longer any need for illustration or evidence when referring to that religion. A person only had to look at the face of a person and accuse him of being a Muslim and the subconscious would do the rest, conjuring up images that provoked a sense of loathing, rejection and distrust of any individual or group associated with Islam.

40. The record showed that a growing number of black-listed words were associated with Islam. Islamic law had become a byword for hypocrisy and backwardness, while religious faith had been made synonymous with extremism. Fundamentalism was equated with bigotry, rigidity and closed thinking, while the obligation of Jihad was portrayed as a pretext for terrorism and intimidation. A person fulfilling the religious duty to give alms and charity was accused of financing terrorism, while the domain of the bearded worshipper had become the detention centres of the world's airports.

41. Her delegation hoped that in future reports the Special Rapporteur would turn his attention to the distorted image of Islam portrayed by the Western press and that the matter would be brought before either the Commission on Human Rights or the General Assembly.

42. **Mr. Al-Qahtani** (United Arab Emirates) drew attention to the failure of any of the Special Rapporteur's reports to mention the discrimination suffered by Muslim minorities in a number of countries. The reports gave the impression that those minorities lived in harmony and peace, while many of them were in fact subjected to murder, torture and persecution. He wanted to know the reason for the omission.

43. **Mr. Al-Saidi** (Kuwait) denied that the case of the writer condemned for blasphemy in Kuwait referred to in paragraphs 38 and 39 of the Special Rapporteur's report (A/55/280) had anything to do with religious intolerance. Rather, the case was clearly one of the violation of Kuwait's national laws. The writer in question had been tried before a properly constituted court whose sentence had been upheld by the Court of Appeal.

44. Kuwait's Constitution and laws guaranteed freedom of belief for all persons, including the nationals of over 100 different States living under its jurisdiction. There were numerous churches in Kuwait and religious freedom was wholly guaranteed.

45. Kuwait looked forward to the consultative conference to be held in 2001 and hoped that one of its outcomes would be a resolution upholding the right of every child in the world to receive an education.

46. **Mr. Cherif** (Tunisia) said that his Government supported the recommendations and conclusions in the report of the Special Rapporteur, and applauded the decision to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It nevertheless believed that places of worship should be reserved for religious prayer, and must not become the subject of public propaganda and provocation that flouted respect for the religion of others.

47. **Mr. Göktürk** (Turkey) said that his Government would provide the Special Rapporteur with a detailed response to the interim report on the situation in Turkey (A/55/280/Add.1) at a later date. The report contained some prominent inconsistencies and flaws. Firstly, it seemed to pit secularism against religious tolerance and freedom. In reality, the secular nature of the State served as a guarantor of all beliefs. Five States in the world defined themselves as secular: France, India, Japan, Mexico and Turkey. Those States had diverse historical, cultural and religious backgrounds, but had nevertheless chosen to define their democracies as such. Secularism was not a tool for imposing an ideology or a singular conception of faith.

48. And yet, the way that secularism was applied varied in societies of different faiths. The boundaries between Church and State in Turkey differed from those which pertained in Christian societies. While Turkey was built on the rubble of a monolithic State structure, Christian societies had developed out of a dualist structure. Since Islam had no church-like institution, it fell to the State to provide religious services for its citizens.

49. The Special Rapporteur shared the recent tendency to view Turkish society in terms of

percentages. Although Turkey was made up of more than one type of Muslim community, over time the overwhelming majority had come to share the same values. Despite the overt claims and insinuations that occurred throughout the report, the Turkish State was truly secular, and did not base itself on any sect or suppress the religious freedom of the majority. Modern Turkish statehood had commenced under Atatörk, whose project remained a challenge in contemporary society. That was not a cult: it represented the rationalism of the Turkish enlightenment.

50. In order to comprehend the scope of the Treaty of Lausanne of 1923, the Special Rapporteur should read the third chapter of the Treaty, together with its annex on the exchange of the Turkish and Greek populations. Turkey honoured its obligations towards minorities, as defined in that treaty. In any event, Turkey required no treaty to safeguard the rights of its citizens. The exercise of religious freedom by a minority had never hinged on that country's relations with its neighbours. All minorities defined under the Treaty were citizens, and enjoyed the rights and protections of all other citizens. Indeed, racial and religious discrimination were foreign to the soul of Turkish society.

51. The report also repeatedly dealt with historical and political elements in a selective and slanted way. And yet, the Armenian delegation had attempted to build an argument on those elements. The Berlin Congress of 1878 and the Treaty of Lausanne were totally different in nature. The Treaty of Lausanne had confirmed the impossibility of other Powers' imposing their will on Turkey. The Armenian Orthodox Patriarchate was a Turkish institution, whose existence and functions were ensured by that country. The Armenian minority was not a function of the relations between Turkey and Armenia; the Armenian Government should not, therefore, view that minority within the context of its counter-productive policy towards Turkey.

52. **Mr. Yu Wenzu** (China) said that his Government attached importance to the role played by the Special Rapporteur. It had always cooperated with him, had replied to his communications in a timely way, and had offered constructive proposals concerning his work. China hoped that the relationship of friendly cooperation would continue. With regard to the allegations against China in paragraphs 15 and 16 of the Special Rapporteur's interim report (A/55/280), the Government had sent detailed replies which the Special Rapporteur might not yet have received. As for paragraph 17, the concerned bodies in China had not yet received the allegation. Briefly, the departure from China of the *gyalwa karmapa* (a Buddhist spiritual leader) had nothing to do with religious freedom: he had left in order to obtain the *karmapa* ritual implements and black cap. Paragraph 59 contained a quote from a statement by China declaring that the Chinese Government persistently pursued a policy of religious freedom, that the Constitution accorded citizens the right to believe in a religion or not to believe in any religion, and that the Government protected the right of religious groups and citizens to engage in normal religious activities.

53. **Mr. Oda** (Egypt) reaffirmed that Egypt provided for the enjoyment of religious freedom in accordance with its Constitution and the rule of law. Egypt was committed to safeguarding individual rights and freedoms in accordance with democratic principles. Egyptian society enjoyed a high degree of harmony in which the Coptic community was placed on an equal footing with Muslims and was considered an integral and important part of the country's social fabric.

54. The incidents at El-Kosheh village, described in paragraphs 18-23 of the Special Rapporteur's report (A/55/280), had been exploited to present a distorted picture of Egypt and spark a media feeding frenzy fuelled by exaggerated and baseless claims. The incident had begun with the murder of an Egyptian citizen without regard to his religious affiliation. The Government had taken all necessary legal and social measures to contain the regrettable events which had ensued. The national unity of Egypt and the commitment of both the Government and the people to religious tolerance remained unassailable, as had been confirmed on several occasions by the Coptic Patriarch, Pope Shenouda III.

55. Egypt, in reaffirming its commitment to cooperation with the Special Rapporteur, would continue to guarantee to all its citizens the freedom to practise their faith in accordance with the Constitution. It would always remain open to continued collaboration with the Special Rapporteur.

56. **Mr. Al-Rubaie** (Iraq) said that his Government had taken note of the observations of the Special Rapporteur. However, while the report focused on persecution and religious intolerance practised by Muslims, with particular attention to incidents

involving such sects as the Baha'i and Jehovah's Witnesses, it accorded no attention to the incidents of religious persecution and intolerance practised against Muslims and Muslim minorities in many parts of the world. In addition, the report paid scant attention to the desecration of Muslim tombs in Palestine, and made no mention at all of the blatant profanation of the Haram al-Sharif, one of the holiest Muslim sites in Palestine, by an extremist Jewish leader. His delegation decried the use of a selective approach with regard to any of the human-rights issues; selectivity and double standards inevitably undermined the credibility of the special rapporteurs. In the report under discussion, it prejudiced the human rights of all Muslims around the world. Religious intolerance was not inherently Muslim; on the contrary, the Koran explicitly taught tolerance and sensitivity towards the religious beliefs of others.

57. **Mr. Amor** (Special Rapporteur of the Commission on Human Rights on religious intolerance) said that he was grateful for the encouragement, observations, and criticisms he had heard. He hoped that all those comments had been offered in a spirit of tolerance.

58. He fully supported the concerns of the Government of Bangladesh regarding the tardy translation and distribution of the addendum to the report on the situation in that country (A/55/280/Add.2). That delay was unacceptable. The work of the special rapporteurs was often hampered by material constraints; it behooved the United Nations Office at Geneva to ensure the timely translation of documents.

59. The matter of the Chittagong Hill Tracts (A/55/280/Add.2, para. 11) was an ethnic problem with unquestionable religious implications. If fully implemented, the 1997 Peace Accord should achieve the successful pacification of that region. Bangladesh must, however, work to develop and establish religious harmony in that country. Indisputably, certain groups were attempting to use Islam to garner power, and were entangling Islam in a partisan battle. That was a serious and complex matter.

60. Replying to questions raised by France on behalf of the European Union, he said that a woman could, for example, be adversely affected by illiteracy and by social and religious traditions. All three of those factors were discriminatory and amounted to multiple discrimination. Religion was often used to justify the maintenance of traditions that were detrimental to women. The term "multiple discrimination" might preferably be called "aggravated discrimination" (A/55/280, para. 111), and be treated differently from simple discrimination. Religious discrimination occurred daily, throughout the world, to varying degrees. The 30 or so reports that he had submitted thus far all attempted to explicate that intolerable phenomenon.

61. Replying to the delegation of Nigeria, he said that the situation in that country was immensely complicated. Sometimes, when a small incident occurred, it rapidly took on much greater dimensions.

62. In response to the Government of the Libyan Arab Jamahiriya, he said that he had discussed the treatment of Muslims and Islam by the press in a number of his reports. Not only was the depiction of Muslims negative, it was often openly hostile: Islam was portrayed as obscurantism, Muslims were described as fanatics, and all initiatives undertaken by Muslims was considered dubious. Not all of the press treated Islam in that manner: the popular press was the worst offender. The offence would not be so grave in itself if it did not inculcate a negative view of Islam in other societies. No minority, whether Muslim or of any other religious persuasion, should be mistreated in that manner.

63. He continued to work to promote respect for Commission on Human Rights resolution 2000/84 on the defamation of religions. The struggle against defamation must not, however, serve as a pretext for limiting or prohibiting freedom of expression or opinion, for promoting discourse that was not in the spirit of human rights, or for fostering an excessive sensitivity to criticism. The right to freedom of expression and opinion included the right to assess, to analyse, to criticize, and to investigate all religions, including Islam.

64. The Government of Kuwait had replied promptly to his communication, explaining the situation of the writer tried for offending public decency on the basis of the language used in her book. In effect, that issue did not necessarily fall within the scope of religious blasphemy.

65. He said that he agreed with the representative of Tunisia that places of worship should not be used as a

forum for extremist propaganda or incitement to violence.

66. In response to the representative of Turkey, he said that he had sought to reflect the social reality in the country. There would always be differences of opinion in respect of statistical data. Whether or not the Alawis considered themselves Muslim, it was clear that they required their own places of worship. As Special Rapporteur, he respected all persons with whom he held dialogue.

67. The Government of Egypt had made concerted efforts to promote freedom of religion and belief, despite the existence of extremist elements. However, evidence of the longstanding religious discrimination against followers of the Baha'i continued to periodically resurface in the country. The events in El-Kosheh pointed to the importance of education in eliminating religious intolerance.

68. It was indeed vital to tackle the root causes of religious intolerance. In too many countries, young children continued to be taught contempt for the followers of other religions.

69. In response to the representative of Iraq, he said that a special rapporteur must be completely independent. He was concerned to work with all persecuted groups, including Muslims in both Muslim and non-Muslim countries. He had taken particular care in his report to deal with allegations of religious intolerance in both the Occupied Territories and Israel. He would make no concessions: all allegations merited close scrutiny in the interests of the promotion and protection of human rights. As for recent events in the Middle East, he was not in a position to comment; an objective appraisal would be made in the field by the Office of the United Nations High Commissioner for Human Rights.

Report of the independent expert of the Commissioner on Human Rights on the right to development (A/55/306)

70. **Mr. Sengupta** (Independent expert of the Commission on Human Rights on the right to development), introducing his report (A/55/306), said that the right to development had gained universal acceptance as a human right through the 1993 Vienna Declaration and Programme of Action. The implication was that the right to development was derived from respect for human dignity based on equity. It was a collective as well as an individual right and the primary responsibility for creating an enabling environment for its realization rested with States. Under his proposed development compact (para. 66), the international community would have a duty to cooperate with developing countries to enable them to fulfil their obligations. The new development paradigm was based on a new international economic order which favoured equity, justice and the expansion of human capacities. International cooperation was crucial to the process.

71. All cooperation must be tailored to meet country requirements and priorities in order to ensure a sense of national ownership. Some countries might wish to prioritize transfers of resources or technology, for instance, while others might be more in need of debt adjustment or enhanced market access. He had used extreme poverty — one of the worst violations of human rights — to illustrate the new approach, which took account of income poverty as well as capability poverty (the latter deriving from lack of access to education, health, sanitation and other basic services). He had also chosen to focus on the right to food, to education and to health, although individual countries would identify different priorities.

72. The North-South divide of the 1970s and 1980s had lost much of its relevance. It was thus a question of identifying new methods of realizing human rights. The new international economic order was rights-based and derived from justice and equity both within and among countries. It also derived from acceptance and recognition of the fact that all people were equal. For such an order to be implemented, the international community must act together.

73. **Mr. Bhatti** (Pakistan) agreed that a new international paradigm had emerged since the end of the cold war, which depended above all on solidarity between North and South, East and West. Given that the prosperity of one region impacted on another and that the ramifications of crises were felt by all, the concept of a development compact was most welcome. His delegation would appreciate more details from the independent expert on how such a compact would be implemented and on how international solidarity might be achieved.

74. **Mr. Henault** (France), speaking on behalf of the European Union, said that the European Union had noted the report and welcomed the global approach to the right to development. His delegation would be

interested to learn whether the independent expert envisaged any partnership on the issue with the World Bank.

75. **Mr. Reyes Rodríguez** (Cuba) said that, although the world was now multipolar, the gulf between rich and poor had widened. Developing countries had less opportunity to make their voices heard, forced as they were to comply with the unfair decision-making processes of the Group of Eight and of the Bretton Woods institutions. His delegation would be interested to hear the independent expert's views on how cooperation for development could be made obligatory for countries capable of providing support. There was indeed a need for affirmative action at the international level to ensure that developing countries were able to enjoy the benefits of globalization.

76. It was not indeed merely a question of transferring resources and development assistance. Trade matters — including in relation to property rights and market access — were equally important, as was the burden of foreign debt on the majority of developing countries. Firm commitments would also be required from countries in the South to ensure the elaboration of people-centred policies and the prioritization of education and health at the national level.

77. **Ms. Nguyen** (Viet Nam) said that her delegation would appreciate facts and figures to corroborate the claim (ibid., para. 70), that the establishment by a developing country of a national human rights commission would provide "sufficient guarantee" that the country would carry out its human-rights obligation under the development compact. The independent expert should also indicate whether the development compact was only linked to developing countries and whether it would be tied in with development assistance.

78. **Mr. Salman** (Iraq) said he was disappointed that economic sanctions had not featured in the report as one of the major obstacles impeding the exercise of the right to development. Sanctions imposed on his own country had resulted in millions of victims and untold social ramifications, including emotional suffering.

79. **Mr. Sengupta** (Independent expert of the Commission on Human Rights on the right to development), said that he agreed with the representatives of Pakistan and Cuba that, in the new world order, international cooperation must be based on solidarity. It was true that the gap between rich and poor had increased both within and between countries, and that the primary aim of any development policy must be to reduce such disparities. He would be pleased to pursue the question of concrete measures towards that end with interested delegations.

80. Development did not merely involve a summation of individual rights; it offered a means of realizing all rights together, as well as a new way of perceiving the process of economic growth. The crucial importance of international cooperation in the context of globalization did not, however, affect the primary responsibility of States to promote and protect the right of their citizens to development. It merely enabled them to "do their job".

81. Since country situations varied, the development compact would need to be country-specific. In Iraq's case, for example, sanctions might indeed be seen as the most important element.

82. Responding to the representative of France, he said that he would certainly be pursuing his dialogue with the specialized agencies.

83. In response to the representative of Viet Nam, he said that the development compact would have reciprocal obligations which would indeed need to be spelled out. The international community had come to realize that, unless conditionalities in financial programmes were set by developing countries, they would not be fulfilled. National human rights commissions were thus likely to be much more effective.

84. The time had come to abandon the rhetoric of confrontation and to assert the value of a new charter for international cooperation. A firm recommendation from the Committee to pursue examination of the development compact would guarantee real progress on the issue.

85. **Mr. Alaei** (Islamic Republic of Iran) said that it had been agreed in many forums that one of the most important factors in realizing the right to development was a favourable international climate. Unilateral coercive measures should be discussed in that context, as they were an obstacle to the realization of the right to development in many countries.

86. **Mr. Bhatti** (Pakistan) said that the wording of paragraphs 70 and 71 of the independent expert's report (A/55/306) was a clear indication of

conditionality. The implementation of the right to development through development compacts was contingent on the establishment of national human rights commissions. Moreover, the obligation of the international community to ensure that all discriminatory policies and obstacles to access for trade and finance were removed only applied if — and it was a big "if" — a developing country carried out its obligations. He believed the prevailing view in the United Nations system was that human rights should not be used as a conditionality.

87. **Mr. Sengupta** (Independent expert of the Commission on Human Rights on the right to development) agreed with the point made by the representative of the Islamic Republic of Iran but thought that a new framework for international cooperation was necessary if that point was to be translated into practical action. The acceptance of a framework of development compacts would in fact rule out unilateral coercive measures.

88. He did not agree with the representative of Pakistan that setting up national human rights commissions was a conditionality. Rather, they were part of one side of a bargain in which both sides assumed reciprocal obligations. The development compacts would completely change the practice whereby human-rights monitoring was carried out by international agencies or donors, by putting the onus on the developing country itself to carry out the monitoring. He stressed that development compacts would be country-specific: each country would adopt its own development strategy and carry out its own human-rights monitoring, while the international community would cooperate with it on such things as trade and technology transfer.

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan (A/55/374)

89. **Mr. Franco** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan), introducing his report (A/55/374) and expressing his appreciation to the Government of the Sudan for its cooperation in the discharge of his mandate, said that the civilian population, particularly women and children, continued to suffer from the unacceptable practices of both sides in the ongoing civil war in the Sudan. There was little prospect of peace, despite efforts by the Intergovernmental Authority on Development (IGAD) to mediate.

90. The security situation had further deteriorated since his visit in February and March 2000. Both parties had openly violated the unilateral declarations of a ceasefire: the Government had intensified its systematic bombing of civilians and humanitarian targets, while the Sudan People's Liberation Movement and Liberation Army (SPLM/A) had launched an offensive in northern Bahr El-Ghazal. After the outcry following the death of 14 children in the Upper Kaouda Holy Cross school in the Nuba Mountains as a result of aerial bombardments by government forces, the bombing had been temporarily suspended. However, when it had resumed, relief agencies had also been targeted, leading to the suspension of all humanitarian flights. The official response to calls by the General Assembly and the Commission on Human Rights to stop the indiscriminate aerial bombardment left much to be desired, and such attacks must be considered as intolerable under international law. Allegations of serious human-rights violations committed by the SPLM/A, including the forced recruitment of children, the diversion of food aid and the planting of mines, must be examined by the international community, although SPLM/A representatives had flatly denied them during his meeting with them in Nairobi.

91. The intensification of the fighting was severely hampering the delivery of humanitarian assistance to the civilians affected by food shortages as a result of the civil strife. To make matters worse, both sides in the conflict questioned the humanitarian nature of such assistance and were attempting to limit it.

92. The high rate of internal forced displacement in Upper Nile was mostly the result of Government-backed attempts to control the oil fields. His own observations, together with those of an assessment mission sent by the Government of Canada in 1999 to investigate the connection between oil exploration and human rights violations, led him to believe that respect for human rights in the oil zone should be of serious concern to the international community and that international corporations must make sure they were not complicit in human-rights abuses. As the number of internally displaced persons had further increased as a result of the recent intensification of the conflict, it was imperative that the Government and all the parties concerned should apply the Guiding Principles on *Internal Displacement*.

93. He had welcomed the creation by the Government of the Committee for the Eradication of Abduction of Women and Children (CEAWC), but had been very discouraged to learn of the alleged killings and abduction of civilians by government forces in Bahr El-Ghazal in February. He had been impressed during his visit to Khartoum by the signs of greater political openness and freedom, including measures to facilitate the return of some government opponents in exile and a more fluid dialogue with the opposition in the north, but several patterns of human-rights abuses persisted. He urged the Government to guarantee the independence of the judiciary, control the security organs, install a system of checks and balances and revise the current emergency legislation so that it complied fully with international human-rights standards. If the new political developments were to acquire any real significance, they must be the result of consultation within a genuine framework of respect for the rights of all the parties involved. He sincerely hoped that those new developments would have a decisive impact on the peace process in accordance with the IGAD Declaration of Principles.

94. **Mr. Erwa** (Sudan) said that his Government was ready to cooperate fully with the United Nations with a view to promoting and protecting human rights in the Sudan. An agreement had been reached with the Office of the United Nations High Commissioner for Human Rights to deploy an international expert in the country to advise the Government on national capacity-building.

95. In the seven months since the Special Rapporteur's visit, political and social developments had taken place in the Sudan, rendering his report (A/55/374) somewhat out of date. Moreover, the repeated references in it to reports from unspecified and unverifiable sources cast doubts on its reliability. Clearly, those sources were groups and individuals engaged in illegal activities in the Sudan and allied with and protected by the rebel movement and propagating its anti-Sudanese agenda of hatred.

96. He welcomed the positive comments of the Special Rapporteur on the cooperation of the Government, the work of Operation Lifeline Sudan, the creation of CEAWC, and the greater degree of freedom of expression and assembly he had observed. He also welcomed the condemnation of the human rights violations committed by the SPLM/A (paras. 38-41). He shared the concerns of the Special Rapporteur concerning the attempt by the rebels to politicize and restrict delivery of humanitarian aid. He was also concerned at the reports that the rebels were behaving like an occupying army in Eastern Equatoria — in fact, they did so throughout rebel-held territory — and that the SPLM/A was forcibly recruiting children as soldiers and planting mines around villages in Eastern Equatoria, which often prevented the population from cultivating the land and seriously affected internally displaced persons.

97. No emergency rules had been applied under the state of emergency, which would be lifted when the presidential and parliamentary elections took place in November 2000. His Government had requested the Secretary-General of the United Nations and the heads of other intergovernmental organizations to send officials to monitor the elections.

98. It was not the policy of the Sudanese Government to target civilian populations. The rebels, on the other hand, continued to use civilian installations for military purposes. However, in wars, mistakes did take place, and a fact-finding commission had been established to investigate the circumstances of the deeply regrettable incident at the Kaouda school, to avoid repetition of such mistakes. Legal action would be taken in line with the commission's findings.

99. The allegations reported in paragraph 77, concerning the curtailment of the rights of opposition students and their dismissal from Wadi al-Neel University, were inaccurate and exaggerated. In fact, 25 students — from a total student population of 50,000 — had been temporarily suspended for a few days only, after being charged with misconduct and breaking university rules.

100. The generalizations in paragraphs 74 and 75 on other reported human rights violations were unfounded, especially as the authorities concerned had been completely open and had cooperated fully with the Special Rapporteur during his visit. There was not a single political detainee in the Sudan, and there were no bans on political parties.

101. With regard to the forced relocation of civilians in oil-producing areas (paras. 18-27), reputable oil companies from around the world were currently helping the Sudan to exercise its inalienable right to development. Claims that the oil industry was used to fuel the war machine were nothing but propaganda. His Government wished to make it very clear that oil

revenue was and would be used for the overall development of the country, with particular emphasis on war-affected areas, where its impact on the development of the infrastructure could already be seen. The population displacement in western Upper Nile was the result of inter-tribal conflicts, in which each military faction forcefully relocated civilians into the areas under its control in order to receive humanitarian relief from non-governmental organizations. The Baggaara tribes, who, according to the Special Rapporteur, had settled in that area, were in fact nomadic tribes who always moved away from the southern part of the country during the rainy season. The claim in paragraph 23 that the Heglip airstrip was used for military purposes was untrue: Sudanese air force planes took off from the Ribkona air base. The military presence in the oil-producing areas was a normal defensive measure, as oil production was constantly being targeted by the rebel forces.

102. The information in paragraph 30 on the abduction of Dinka women and children had been provided by the rebel movement and a non-governmental organization known for its animosity towards the Government and its illegal activities inside the country. The United Nations Economic and Social Council had divested that organization of its consultative status because of its violation of United Nations rules and its illegal activities. As mentioned in paragraph 36, the SPLM/A had also been accused of abducting women, and some of its members would personally benefit from the trade engendered by the redemption policy adopted by some international non-governmental organizations.

103. In order to put an end to the human-rights violations generated by the war, a ceasefire must be called. The rebels had broken the ceasefire by bombing civilians, schools and medical facilities. His Government was prepared to accept a permanent ceasefire: the international community must persuade the rebels to do so too.

The meeting rose at 1.15 p.m.